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REMARKS

Reconsideration of the instant application is respectfully requested in view of the foregoing amendments and the following comments. Claims 1-11 are in this application with new claim 5 amended herein.

In the office action, claims 1-3 are rejected as anticipated by U.S. Patent Application No. 2002/0135842 to Zarris et al. Claims 4-11 are rejected under 35 U.S.C. § 103(a) as unpatentable over Zarris in view of one or more of U.S. Patent No. 6,282,017 to Kinoshita, U.S. Patent No. 5,896,211 to Watanabe, U.S. Patent No. 6,335,810 to Uehara, and U.S. Patent No. 7,116,908 to Uda. The rejections are traversed for at least the following reasons.

With respect to independent claim 1, the office action alleges that Zarris in Fig. 3, elements 12 and 16 teaches a monitor for monitoring a spectrum of the dropped optical signal within a modulation band per channel. It is respectfully submitted that the relied upon portions of Zarris teach only a band pass filter and not a monitor as recited in claim 1.

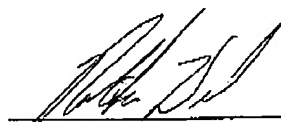
Next, the office action asserts that a controller for detecting non-flatness of a pass characteristic of a transmission line from the spectrum and a compensator for compensating the non-flatness for the optical signal is found in Zarris in Fig. 3, elements 18, 20, 22, and 26. It is respectfully submitted that these components as taught by Zarris merely achieve gain equalization achieving a flat gain profile, but do not teach a device for creating a flat frequency spectrum. Accordingly, independent claim 1 patentably distinguishes over the relied upon portions of Zarris and is allowable. Claims 2-11, which depend from claim 1 are allowable therewith.

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In view of the remarks and amendments set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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